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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 DONOVAN SMITH,

8 Plaintiff(s),

Case No. 2:16-CV-618 JCM (CWH)

ORDER

9 v.

10 SAMANTHA EISENBERG, et al.,

11 Defendant(s).

12
13 Presently before the court is Magistrate Judge Hoffman's report and recommendation.
14 (ECF No. 19). No objections have been filed and the deadline for filing objections has since
15 passed.

16 This court "may accept, reject, or modify, in whole or in part, the findings or
17 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects
18 to a magistrate judge's report and recommendation, then the court is required to "make a de novo
19 determination of those portions of the [report and recommendation] to which objection is made."
20 28 U.S.C. § 636(b)(1).

21 Where a party fails to object, however, the court is not required to conduct "any review at
22 all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149
23 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
24 magistrate judge's report and recommendation where no objections have been filed. *See United*
25 *States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
26 employed by the district court when reviewing a report and recommendation to which no
27 objections were made).

1 Plaintiff has not objected to the report and recommendation. Nevertheless, the court
2 engages in a *de novo* review to determine whether to adopt the magistrate judge's findings.

3 The magistrate judge recommends that the court close this action without prejudice
4 because plaintiff has failed to file an amended complaint within the thirty-day deadline set forth
5 in the court's April 19, 2017, order. (ECF No. 19). Upon reviewing the underlying record, the
6 court finds good cause to adopt the magistrate judge's recommendation.


7 Accordingly,

8 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge
9 Hoffman's report and recommendation (ECF No. 19) be, and the same hereby is, ADOPTED in
10 its entirety.

11 IT IS FURTHER ORDERED that the matter of *Smith v. Eisenberg et al.*, case number
12 2:16-cv-00618-JCM-CWH, be, and the same hereby is, DISMISSED without prejudice.

13 The clerk shall close the case accordingly.

14 DATED January 28, 2019.

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16 UNITED STATES DISTRICT JUDGE